

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-HC-2023-D

ESTEBAN GARCIA, SR.,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
BRICK TRIPP, et al.,)	
)	
Respondents.)	
)	

On July 5, 2017, Magistrate Judge Jones issued a Memorandum and Recommendation (“M&R”) [D.E. 16]. In that M&R, Judge Jones recommended that the court grant respondents’ motion to dismiss [D.E. 11] and dismiss Esteban Garcia Sr.’s (“Garcia”) 28 U.S.C. § 2241 petition. Garcia did not file objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and Garcia’s petition. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 16]. The court GRANTS respondents’ motion to dismiss [D.E.

11] and DISMISSES Garcia's petition. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 1 day of August 2017.


JAMES C. DEVER III
Chief United States District Judge